

Page 38

1 Q. So when you helped Mr. Vargas change the  
2 tires, the two tires on the grader, do you remember  
3 approximately how long that was after he started  
4 working? Was that when he was working in the tire  
5 shop doing tire work and he was a permanent tire  
6 shop guy?

7 A. Probably a couple months.

8 Q. So he had a couple of months work under  
9 his belt in the tire shop?

10 A. Yeah. That's the only time I helped him,  
11 when he was a grader.

12 Q. And did it seem like he was learning the  
13 job or he still was inexperienced?

14 A. He didn't know how to do it, mount the  
15 tires.

16 Q. So he didn't know how to mount the tires  
17 on the grader?

18 A. Right.

19 Q. And when you would teach him, would he be  
20 like a good student like paying attention or would  
21 he have an attitude like why are you telling me, I  
22 already know this job?

23 A. No, he never -- no.

24 Q. Pardon?

25 A. He observed. He watched me while I

Page 39

1 explained. It was like I mounting, I dismounting,  
2 and I mounting the tires. You know, I got to show  
3 him and he's not doing the job, you know.

4 Q. So you did it and he observed?

5 A. Yeah.

6 Q. Did he afterwards say thank you for  
7 showing me this?

8 A. No.

9 Q. Do you know why he didn't thank you?

10 A. I don't know.

11 Q. Did he say I don't know why they sent you  
12 here, I know what I'm doing?

13 A. No.

14 Q. And was there any other time that you  
15 went and worked with him -- Mr. Vargas, that is?

16 A. No, [inaudible] time I showed him and Ace  
17 how to operate the machine.

18 Q. Did you ever hear from anybody else say  
19 that Mr. Vargas was inexperienced working in the  
20 tire shop?

21 A. Everybody knew that, that he was -- you  
22 know, he wasn't experienced. Like how Mr. Nunes  
23 said, he was qualified for the position, he never  
24 need no training, he had the training when he was  
25 in the military. Said as a tanker? Changing iron

Page 40

1 wheels? Or whatever. When he came on board, Mr.  
2 Soares had to train him.

3 Q. What does that mean, changing iron  
4 wheels?

5 A. You know, if you operate a tank, there  
6 ain't no rubber wheels on a tank. It was just like  
7 a joke, you know, what he change, iron wheels?  
8 It's no relation to rubber tires, split rims.

9 Q. Could you explain to me what a split rim  
10 is?

11 CAPT. WIRTANEN: Objection; asked  
12 and answered. You can answer the question.

13 A. Would be a three-piece, five-piece metal  
14 rim that you mount and dismount, take apart, which  
15 you mount the rubber tire on, either it's tubeless  
16 or tube type. Most times split rims call for an O  
17 ring to seal the bead from leaking to sit the tire  
18 bead on to the rim.

19 Q. Did you ever hear anybody else comment  
20 that Mr. Vargas was experienced, any other worker  
21 say to you Mr. Vargas didn't know how to do X and I  
22 had to show him how?

23 A. No, only Mr. Soares.

24 Q. Did you ever hear Randall Nunes himself  
25 say anything about the reason he gave Chris Vargas

Page 41

1 the permanent job as a mobile equipment servicer?

2 A. No.

3 Q. Did you ever hear Mr. Nunes say anything  
4 about Mr. Vargas being young and needing a job?

5 A. I answered that already.

6 Q. What was your answer?

7 A. I answered you on that.

8 Q. That's a little different question.

9 A. That's the same, right?

10 CAPT. WIRTANEN: Can you re-ask the  
11 question, please?

12 BY MS. CARPENTER-ASUI:

13 Q. Did you ever hear Supervisor Nunes say  
14 anything about Mr. Vargas needing the job because  
15 he had just gotten married?

16 CAPT. WIRTANEN: Objection; asked  
17 and answered. You can answer the question.

18 A. Yeah.

19 Q. You heard Mr. Nunes say that?

20 A. To me and from Mr. Soares.

21 Q. No, but did you ever hear Mr. Nunes say  
22 the words?

23 A. To me.

24 Q. What did he say, Mr. Nunes?

25 A. Like I told you, the first time when he

11 (Pages 38 to 41)

Page 42

1 came out and he said that Mr. Sebala threatened  
2 him, that's the same thing. I said what do you  
3 mean, threatened him? Then I asked him, why you  
4 hire that guy? Mr. Sebala, Mr. Sebala was  
5 qualified for the job. Well, the guy younger and  
6 he's married, got family. Maybe he told that to  
7 Mr. Soares, too.

8 CAPT. WIRTANEN: I'm going to object  
9 to further questioning along these lines because  
10 the witness spent at least 20 minutes going through  
11 the story of how he heard these statements.

12 BY MS. CARPENTER-ASUI:

13 Q. Okay. I guess I misunderstood because my  
14 notes said that Ace came and told you that Mr. --

15 A. Yeah, and he told me that first when I  
16 told you and then a couple weeks after or days,  
17 then Mr. Nunes -- he had a call from Mr. Sebala.  
18 And then I asked Mr. Nunes.

19 Q. Oh.

20 A. Mr. Nunes --

21 Q. Why he did hire him?

22 A. Yeah. Guy, you know, qualified, he's  
23 younger, and married.

24 Q. Qualified, younger and married?

25 A. And he have a family. Younger.

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1 Q. Do you recall that shortly after Chris  
2 Vargas received a permanent job as a mobile  
3 equipment servicer that he received a permanent  
4 promotion to the position of painter?

5 A. Yeah. Painter and tire shop and  
6 automotive. All around man.

7 Q. Is that when he began complaining about  
8 doing multiple jobs?

9 A. Yeah, he complained to people, yeah,  
10 besides me.

11 Q. So was he still doing his tire shop  
12 duties when he was temporarily promoted to painter?

13 A. Yes.

14 Q. The time he was temporarily promoted to  
15 painter, I'll represent to you, was August '03 to  
16 December '03 for 120 days.

17 A. I remember he was on temporary status for  
18 painter 120 days, something like 30 days and they  
19 extended it or something like that.

20 Q. And who was doing the tire shop job while  
21 he was a painter?

22 A. Mr. Soares.

23 Q. Mr. Soares?

24 A. Or what his name? Neal.

25 Q. Who?

Page 44

1 A. Neal.

2 Q. Neal who?

3 A. I forgot his last name. He's a hearing  
4 impaired guy.

5 Q. Did you have hear Superintendent Nunes  
6 say that he gave Chris Vargas a permanent job as a  
7 mobile equipment servicer because he could also  
8 perform auto painting in the body and paint shop?

9 A. No.

10 Q. Did you ever hear -- are you aware of the  
11 incident on or about May 12, 2005 where there was a  
12 verbal disagreement between Chris Vargas and Ace  
13 Soares? Are you aware of that?

14 A. No, only from what Mr. Soares said.

15 Q. What did Mr. Soares say?

16 A. That, you know, the guy get angry, you  
17 know, get frustrated. Mr. Soares don't want to  
18 sign him off.

19 Q. Any other -- are you aware of any  
20 disputes at work between Mr. Vargas and any other  
21 worker?

22 A. No. Only from what Mr. Soares said what  
23 he said about me, you know, using the "F" words and  
24 all that.

25 Q. And then he was using the "F" word when

Page 45

1 he said that about you?

2 A. That's what Mr. Soares said. I never  
3 like say that first time, the "F" word.

4 Q. But Mr. Soares told you that he used the  
5 "F" word?

6 A. Yeah.

7 CAPT. WIRTANEN: Objection; asked  
8 and answered already.

9 BY MS. CARPENTER-ASUI:

10 Q. And you and Mr. Vargas never discussed  
11 that?

12 A. I'm not going to approach the guy unless,  
13 you know, Mr. Soares could be making up a story. I  
14 not going to harass nobody. But if he verbally  
15 told me in my face, he be one sorry guy.

16 Q. Okay. I'm done.

17 EXAMINATION

18 BY CAPT. WIRTANEN:

19 Q. Mr. Oyadomari, when we started -- before  
20 we started this deposition, you were sitting in the  
21 reception area; is that correct?

22 A. Over here.

23 Q. Yes?

24 A. Oh, yes.

25 Q. And for a while you left. Where did you

12 (Pages 42 to 45)

Page 46

1 go?

2 A. Rest room. The lady gave me da kine rest  
3 room and then I was hungry so I bought me a  
4 hamburger and a soda.

5 Q. And during any time prior to the  
6 beginning of this deposition, did you have a  
7 conversation with Mr. Sebala?

8 A. No.

9 Q. You didn't talk to him at all?

10 A. No, not outside here.

11 Q. Okay. When is the last time you spoke  
12 with Mr. Sebala?

13 A. Maybe three, four years ago.

14 Q. So if somebody says they witnessed the  
15 two of you together, that person would be lying,  
16 within the last year?

17 A. Yeah.

18 Q. So you haven't seen him for two or three  
19 years?

20 A. Two or three years I don't see him.

21 Q. When you and Mr. Sebala worked together,  
22 were you friends?

23 A. I mean, to me a friend is like, you know,  
24 somebody for a long time. That's what I call my  
25 friends. And I know Mr. Sebala like a year, maybe

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1 less, I don't know. I really didn't know the guy,  
2 you know. But, you know, I have friends that knew  
3 him, talk about him, that the guy was a tire man,  
4 good guy, nice guy, so. I mean, he's just like any  
5 other coworker, you treat them like how they treat  
6 you. He treated me right, he treat me good, never  
7 mistreated me in any way.

8 Q. Would you and Mr. Sebala ever spend time  
9 together outside of work?

10 A. No.

11 Q. Never?

12 A. No. Only at work doing our job.

13 Q. Are you originally from Hawaii?

14 A. Born and raised, yeah.

15 Q. Do you know if Mr. Sebala is from Hawaii?

16 A. I don't know where he's from.

17 Q. You don't know if he's from Hawaii?

18 A. No. I don't go asking people their  
19 background where they was and all that.

20 Q. Do you know where Mr. Chris Vargas is  
21 from?

22 A. No.

23 Q. Do you know if he's from Hawaii?

24 A. I know he is not from Hawaii.

25 Q. So he's from the Mainland?

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1 A. I guess. He said, you know, he said he  
2 had family up there, so I just took it for granted  
3 like he's probably from there. And just looking at  
4 him, you know he's not a local boy by the way he  
5 talk, you know. If he was local, you can tell  
6 right off the bat just by the way the individual  
7 talks.

8 Q. What about Mr. Sebala and the way he  
9 talks and acts, does he act like a local boy or  
10 not?

11 A. Yeah. Every local guy have an accent  
12 like our own accent, how we talk, you know.

13 Q. But does that apply to Mr. Sebala?

14 A. Yeah, I know from the way he talk, I know  
15 he's originally from here, but I never asked him  
16 where you from or -- I don't go question people.

17 Q. So you made an assumption that he's from  
18 Hawaii?

19 A. Yeah.

20 Q. You're not working in the tire shop right  
21 now, correct?

22 A. No.

23 Q. Why not?

24 A. I got promoted to automotive worker,  
25 mechanic.

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1 Q. And did you also -- what is your --  
2 strike that. What do your duties entail right now?

3 A. Repairing and -- R & R vehicles. And  
4 right now I'm on a profile right now, light duty.

5 Q. You're on a profile for what?

6 A. Light duty. I'm driving a taxi on the  
7 flight line, picking up crew members, crew chiefs,  
8 taking them to their destination or wherever they  
9 are going.

10 Q. And a profile means a medical limitation?

11 A. Yes. Injury on the job.

12 Q. I don't want to ask personal questions,  
13 but is it a physical injury of your body or an  
14 injury of your mind?

15 A. No. Body. Physical. Not mentally.

16 Q. Okay. Mr. Nunes was your supervisor for  
17 what period of time?

18 A. I forgot how long, but pretty long,  
19 probably -- I remember when Mr. Hostallero was our  
20 supervisor -- my supervisor. Then he stopped down  
21 and took a downgrade for what reason, I don't know.  
22 And then Mr. Nunes got hired. So I don't know how  
23 long -- actually how long he was a supervisor.

24 Q. Can you give me an approximation of how  
25 long he was your supervisor? Months, years?

13 (Pages 46 to 49)

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1 A. I can say maybe like -- I'm just  
2 guessing, three, four years, maybe, five. I don't  
3 know. I don't remember. I don't know how long he  
4 held that position as a supervisor.

5 Q. Do you respect Mr. Nunes as a supervisor?

6 A. Intermittent.

7 Q. Have you had any disciplinary action  
8 against yourself from Mr. Nunes?

9 A. Yes. Both Mr. Nunes and Mr. Peris.

10 Q. Can you describe what kind of  
11 disciplinary action you received?

12 A. Disrespectful towards a supervisor.  
13 Mr. Peris.

14 Q. And this was a letter of counseling,  
15 letter of reprimand?

16 A. Reprimand. And which they made up their  
17 own stories and all that and they said it was  
18 mandatory -- the paper that he gave me was  
19 mandatory that I had to do this and, you know, he  
20 added altogether smoking, being disrespect,  
21 qualified me for a letter of reprimand. And when I  
22 found the letter about five, six months after, then  
23 I gave it to the union guy. Then he took it down  
24 to Mr. Nunes and look at that, does this say  
25 mandatory? He said no. Well, you pull the

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1 reprimand out of his jacket. I was supposed to be  
2 a reprimand for two years. They pulled it out of  
3 my record for less than a year.

4 Q. Ultimately -- I don't want to get into  
5 the facts too much of what you supposedly did, but  
6 do you disagree with the reason behind getting the  
7 letter of reprimand? Do you think your innocent of  
8 whatever they've said you've done.

9 A. What was that?

10 Q. Do you think you're innocent of what they  
11 gave you the letter of reprimand for?

12 A. I am.

13 Q. And does that make you angry at Mr. Nunes  
14 and Mr. Peris for alleging something that you say  
15 you didn't do?

16 A. I wasn't angry. I was just wondering why  
17 those guys like that, why they are, you know, why  
18 they acting like that towards me. I did nothing  
19 wrong to them, you know.

20 Q. But they have said you've done something,  
21 they have alleged you did something and you didn't  
22 do it, so aren't you upset about that?

23 A. Yeah, I got upset. But, you know, I  
24 don't want to like how you say you don't want to  
25 get into that -- I don't want to get into the past.

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1 But just what was documented, you know, lies.  
2 That's one thing I cannot tolerate, people lying  
3 about me.

4 Q. And when people lie about you, it makes  
5 you unhappy or angry?

6 A. Anybody. Somebody lie about you, you'd  
7 get angry or upset.

8 Q. Of course. And the people who are lying  
9 about you with this letter of reprimand was  
10 Mr. Nunes?

11 A. And Mr. Peris.

12 Q. And Mr. Peris.

13 Do you like Mr. Vargas?

14 A. I don't really know the guy. It's like  
15 Mr. Sebala is, you know, like how I said, you know,  
16 if I going to like somebody, going to have to be a  
17 good friend, know somebody like 20, 25 years, a  
18 long time. I not just like anybody.

19 Q. Do you like Mr. Soares?

20 A. I not going to say I dislike the guy or  
21 like the guy. Same, you know. He's just a  
22 coworker, that's all.

23 Q. You testified about when you had to teach  
24 or show Mr. Soares how to use the tire dismounter  
25 and mounter. How long has Mr. Soares been in the

Page 53

1 tire shop?

2 A. Okay. Mr. Soares used to work in the  
3 tire shop. When he worked in the tire shop, it was  
4 all by hand. There wasn't no tire machine. So in  
5 other words, Mr. Soares from the old school with no  
6 tools, operating tools. So when I got there, there  
7 was machines. That's the difference. So I was  
8 qualified and I learned the machines. Mr. Soares  
9 did not have experience in the machines. So he  
10 asked me, I went in there for about five, ten  
11 minutes and showed them two guys how to operate.  
12 Got to play with the machine, get familiar with it.

13 Q. How long -- how long did -- have you had  
14 the machine in the shop?

15 A. About four or five years, you know, when  
16 I was in the tire shop, four or five years, around  
17 there.

18 Q. And what was Mr. Soares -- where was he  
19 working for those four or five years that he wasn't  
20 working using it?

21 A. He was CE grounds. And then there was a  
22 RIF and he came down to our side.

23 Q. And by a RIF you mean reduction in force?

24 A. Reduction in force.

25 Q. The tire machine that you have in the

14 (Pages 50 to 53)

Page 54

1 shop, what -- what's the brand name of this  
2 machine?

3 A. I forget. I forget the brand.

4 Q. Are there different brands of machines?

5 A. Yes. I forgot.

6 Q. And would it be a true statement that  
7 different brands of machines have different  
8 functions, they do different levers?

9 A. Yes, right.

10 Q. Do you know what type of machine  
11 Mr. Vargas had in his Army service that he used?

12 A. I don't know. I don't even know if he  
13 worked. From what Mr. Nunes said, he was  
14 experienced.

15 Q. But what do you know? I want to know  
16 what you know. Do you know if he used the same  
17 machine?

18 A. No. I don't know if he used that  
19 machine. I don't know if he used -- if he fixed  
20 tires in the military.

21 Q. Okay.

22 A. I don't even know if he was in the  
23 military. Only from what they say.

24 Q. You talked about Mr. Vargas. You said  
25 that he took a long time to train and Ms. Carpenter

Page 55

1 asked you how long and you said a month. Is that  
2 correct?

3 A. Probably about a month.

4 Q. And once he was trained --

5 A. Maybe less. I could be wrong. About a  
6 month, I say that.

7 Q. Approximately a month?

8 A. Yeah.

9 Q. Once he was trained, was he then able to  
10 do the job?

11 A. Like I said, I don't know if Mr. Soares  
12 signed him off so -- from what I observed like, he  
13 still had a hard time working on tires which after  
14 a month, you know, it was a couple months after  
15 that when he approached Mr. Nunes, help him on the  
16 grader, so I went in and help him because he was  
17 getting hard time mounting the grader tires.

18 Q. You are talking about a grader. I don't  
19 know what that is.

20 A. A grader is a machine that level out  
21 dirt. It got big tires on it. Yeah. And it's  
22 tubeless and got an O ring on it and you got to sit  
23 the bead. Sitting the bead.

24 Q. Normally --

25 A. It's not easy.

Page 56

1 Q. Normally does it take more than one  
2 person to work on a grader?

3 A. No. One person can do it by himself if  
4 you're experienced.

5 Q. Mr. Vargas received a promotion since  
6 he's been there, right, to the temporary promotion?

7 A. From what I understand, yeah, just a  
8 temporary, you know, 120 days. First it was  
9 30 days, 120, temporary. I don't know if permanent  
10 or what, you know.

11 Q. Do you know if he received additional  
12 money as a part of that promotion?

13 A. I know that's a higher grade than the  
14 tire shop, so if you're saying additional more  
15 money.

16 Q. Yes.

17 A. The tire shop -- painter is more pay.  
18 You get paid more.

19 Q. Why didn't you get that promotion?

20 A. I'm not a painter.

21 Q. You mentioned that everybody swears in  
22 the workplace. Do you swear in the workplace?

23 A. Yeah, I swear. Everybody swear. You  
24 know when we're talking stories. Not the kind --  
25 you can be -- I don't know, it's the way we was

Page 57

1 raised. When we talk, you know, the words just  
2 come out normal like. That's our style of talking,  
3 you know, if you pretend -- if you asking me if I  
4 swear at that supervisor, no, I don't do that kind  
5 of stuff. But in normal conversations, yeah, we  
6 swear. Everybody talk.

7 Q. I asked you earlier about that reprimand  
8 that you received. Do you have any other  
9 disciplinary actions?

10 A. No.

11 Q. Have you received anything else?

12 A. No.

13 Q. So you've worked at Hickam for almost  
14 20 years?

15 A. Twenty-one years.

16 Q. And only one disciplinary action?

17 A. Yes.

18 (Brief recess.)

19 FURTHER EXAMINATION

20 BY MS. CARPENTER-ASUI:

21 Q. Mr. Oyadomari, you understood that the  
22 court reporter made you swear an oath to tell the  
23 truth here today?

24 A. Yes.

25 Q. And all of your testimony about your

15 (Pages 54 to 57)

Page 58

1 communications with Mr. Sebala were true and  
2 correct?

3 A. Yes.

4 Q. And you have not been contacted from me  
5 or anyone by my office?

6 A. No.

7 Q. Ever before?

8 A. No.

9 Q. Correct? All done.

10 (Concluded at 3:01 p.m.)  
11  
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1 I, MICHAEL OYADOMARI, hereby certify that I have  
2 read the foregoing typewritten pages and  
3 corrections, if any, were noted by me, and the same  
4 is now a true and correct transcript of my  
5 testimony.

6 \_\_\_\_\_  
7 MICHAEL OYADOMARI

8 Signed before me this \_\_\_\_\_ day  
9 of \_\_\_\_\_, 2005.  
10

11 \_\_\_\_\_  
12 WITNESS  
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Page 59

1 CERTIFICATE

2 I, LYNANN NICELY, C.S.R., do hereby certify:  
3 That I was acting as shorthand reporter in the  
4 foregoing matter on November 8, 2005;

5 That the witness, whose testimony is contained  
6 herein, prior to being examined and pursuant to  
7 stipulation was by me duly sworn or affirmed, that  
8 the proceedings were taken by me in machine  
9 shorthand and were thereafter reduced to print  
10 under my supervision by means of computer-assisted  
11 transcription; that the foregoing represents, to my  
12 best ability, a true and accurate transcript of the  
13 proceedings had in the foregoing matter;  
14

15 That, if applicable, the witness was notified  
16 through counsel, by mail, or by telephone to appear  
17 and sign; that if the deposition is not signed,  
18 either the reading and signing were waived by the  
19 witness and all parties, or the witness failed to  
20 appear and the original has been sealed unsigned;

21 That pursuant to HRCP 30(f)(1) the original  
22 will be forward to noticing counsel for retention.  
23  
24  
25

26 I further certify that I am not attorney for  
27 any of the parties hereto, nor in any way  
28 interested in the outcome of the cause named in the  
29 caption. Dated on 11/15/2005.

30 \_\_\_\_\_  
31 LYNANN NICELY, RPR  
32 Notary Public, State of Hawaii  
33 My commission expires: 1/24/06  
34  
35

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